

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/804,381  
Inventor(s) : Scott Edward Osborne et al.  
Filed : March 19, 2004  
Art Unit : 1615  
Examiner : Lakshmi Sarada Channavajjala  
Docket No. : 7892C  
Confirmation No. : 7237  
Customer No. : 27752  
Title : COMPOSITIONS FOR EFFICIENT RELEASE OF  
ACTIVE INGREDIENTS

**REQUEST FOR REHEARING UNDER 37 C.F.R. 41.52**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

In response to the Decision on Appeal dated August 28, 2009, Appellants respectfully request rehearing of the present appeal.

*Argument* begins on page 2.

Appl. No. 10/804,381  
Docket No. 7892C  
Request for Rehearing dated October 28, 2009  
Reply to Decision on Appeal dated on August 28, 2009  
Customer No. 27752

ARGUMENT

The Decision on Appeal dated August 28, 2009 provides no indication that the Board of Patent Appeals and Interferences considered the arguments presented by Appellants in the Reply Brief dated January 14, 2008. Appellants respectfully submit that the arguments presented in the Reply Brief persuasively illustrate how the combination of Roe et al. and Johansson et al. is improper under 35 U.S.C. 103(a), especially when taking the teachings of each reference as a whole. Appellants therefore submit that a prima facie case of obviousness of Claims 1-9 and 11-19 has not been established under 35 U.S.C. 103(a).

In view of the above, Appellants respectfully request a rehearing of Appellants' appeal in the present application and that Appellants' arguments presented in the Reply Brief dated January 14, 2008 be fully considered by the Board of Patent Appeals and Interferences. Appellants further respectfully request that the rejections be reversed and Claims 1-9 and 11-19 be allowed.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

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Date: October 28, 2009

**Customer No. 27752**